

**OPINION
59-28**

October 14, 1959 (OPINION)

ALCOHOLIC BEVERAGES

RE: Sale and Taxation - Township Beer or Liquor Licenses - Issuance
 of to Vendee of Licensee

We have your letter of October 8, 1959, with reference to interpretation of section 5-03031 of the 1957 Supplement to the North Dakota Revised Code of 1943 which reads as follows:

TOWNSHIP BEER OR LIQUOR LICENSES. No retail beer or liquor license shall be issued in any organized township in this state by the board of county commissioners without the written consent of the township supervisors of such township. The provisions of this section shall not apply to the renewal of licenses heretofore issued."

In your letter you raise the question as to whether or not the board of county commissioners can issue a new beer or liquor license to an individual who has purchased the business from the previous licensee, such liquor business being located in one of the organized townships in Ward County, without first having the written consent of the supervisors of the organized township in which the premises are situated.

It is our opinion that under the circumstances above outlined the written consent of the board of township supervisors must be obtained before any new license can be issued by the county commissioners. It seems clear to us that the intent of the law is to have the governing body of the township pass upon the qualifications of the new applicant for a license to determine whether or not he is qualified to conduct the business involved.

We believe it would be the presumption that the township board would be in position to know more about the applicant than the board of county commissioners, and thus be in a position to better judge his qualifications. Further, the township board is nearer the people of the township than the board of county commissioners, and we believe that in seeking the determination of questions of this kind the views of the people affected should be represented if possible.

LESLIE R. BURGUM

Attorney General